

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	Chapter 11
GOLFVIEW DEVELOPMENTAL)	
CENTER, INC.,)	Case No. 05-27057
)	
Debtor.)	Honorable Jacqueline P. Cox

NOTICE OF MOTION

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that, on September 29, 2010 at 9:30 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable Jacqueline P. Cox, or any judge sitting in her stead, in courtroom 619, in the Everett McKinley Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604, and shall then and there present the attached **The Reorganized Debtor's Motion For Entry Of A Final Decree Closing Its Chapter 11 Case**, at which time and place you may appear if you see fit.

Dated: September 22, 2010

Respectfully submitted,

By: /s/ Joy L. Monahan
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*Attorneys for Golfview Developmental
Center, Inc.*

CERTIFICATE OF SERVICE

I, Joy L. Monahan, an attorney, certify that I caused a true and correct copy of the **Notice of Motion and The Reorganized Debtor's Motion For Entry Of A Final Decree Closing Its Chapter 11 Case** to be served by U.S. Mail to the parties listed on the attached Service List.

Golfview Developmental Center, Inc.

By: /s/ Joy L. Monahan
One of Its Attorneys

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**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	Chapter 11
GOLFVIEW DEVELOPMENTAL)	
CENTER, INC.,)	Case No. 05-27057
)	
Debtor.)	Honorable Jacqueline P. Cox

**THE REORGANIZED DEBTOR'S MOTION FOR ENTRY OF A FINAL
DECREE CLOSING ITS CHAPTER 11 CASE**

Golfview Developmental Center, Inc. ("Reorganized Golfview" or "Golfview"), pursuant to section 350(a) of title 11 of the United States Code (the "Bankruptcy Code") and Federal Rule of Bankruptcy Procedure 3022, requests the entry of a final decree closing Golfview's Chapter 11 bankruptcy case (the "Motion").¹ In support of this Motion, the Debtor submits the Affidavit of Anthony Miner, President of Golfview Developmental Center, Inc. (the "Miner Affidavit"), a copy of which is attached hereto as Exhibit A and incorporated herein by reference. In further support of this Motion, Golfview respectfully represents as follows:

Background

1. On July 7, 2005 (the "Petition Date"), Golfview filed a voluntary petition under Chapter 11 of the Bankruptcy Code.
2. On July 30, 2010, the Bankruptcy Court entered an order confirming the Debtor's Second Amended Plan of Reorganization (the "Plan") [Docket No. 310].
3. The effective date of the Plan occurred on August 10, 2010 (the "Effective Date"). See Miner Affidavit ¶4.

¹ All capitalized terms not defined herein shall be defined as set forth in the Debtor's Second Amended Plan ("Plan") and Debtor's Second Amended Disclosure Statement ("Disclosure Statement").

4. Reorganized Golfview has worked diligently to substantially conclude all remaining matters relating to the administration of the estate. *See* Miner Affidavit ¶5

5. Reorganized Golfview worked diligently to resolve and reconcile the Proofs of Claim filed in Golfview's bankruptcy case. *See* Miner Affidavit ¶6. As part of the claims reconciliation process, Golfview and its professionals identified certain claims which were objectionable on one or more grounds and raised appropriate objections. *Id.* On August 5, 2010, Reorganized Debtor filed an omnibus objection to Proofs of Claims No 5, 7, 8, 13, 14, 18, 19, 20, 21, 22, 27 and 33 that were filed with the Clerk of Court [Docket No. 311] (the "Objection"). At the hearing on Objection, the Reorganized Debtor voluntarily withdrew its objection to Proof of Claim No. 22 that was filed by the State of Illinois. On September 8, 2010, the Bankruptcy Court entered an order granting the Objection [Docket No. 318] and resolving all pending claims objections (the "Claims Objection Order"). The claims reconciliation process is now complete. *Id.* Since the entry of the Claims Objection Order, Reorganized Golfview has made its final distribution to the holders of Allowed Class 5 General Unsecured Claims under the Plan. *See* Miner Affidavit ¶7.

6. On August 30, 2010, the Bankruptcy Court entered an order granting the final fee application filed by Shefsky & Froelich Ltd. awarding final compensation in the amount of \$9,563.10 and reimbursement of expenses in the amount of \$957.44 [Docket No. 315]. On August 30, 2010, the Bankruptcy Court entered an order granting the final fee application filed by Foley & Lardner LLP awarding final compensation in the amount of \$226,621.50 and reimbursement of expenses in the amount of \$6,176.58 [Docket No. 316]. On August 30, 2010, the Bankruptcy Court entered an order granting the final fee

application filed by Polsinelli Shughart PC awarding final compensation in the amount of \$75,003.00 and reimbursement of expenses in the amount of \$4,361.31 [Docket No. 317]. On September 17, 2010, the Bankruptcy Court entered an order granting the final fee application filed by Wildman Harrold awarding final compensation in the amount of \$496,174.25 and reimbursement of expenses in the amount of \$19,051.36 [Docket No. 319]. All final fee applications have been filed and paid pursuant to orders entered by the Bankruptcy Court. *See Miner Affidavit 8.*

7. Since the Effective Date, all Class 1 Other Priority Claims, Class 2 Other Secured Claims, Class 3 DIP Facility Claims and Class 5 Claims General Unsecured Claims have been satisfied pursuant to the Plan. *See Miner Affidavit ¶9.*

8. The Class 4 Secured IHFS Claim, which is held by the State of Illinois, is being paid subject to a settlement agreement which has been approved by the Court and incorporated into the Confirmation Order – allowing the State of Illinois to recoup funds to satisfy its Claims from the funds it pays the Debtor as Reimbursement Payments. *See Miner Affidavit ¶10.*

9. The Plan provides that Reorganized Golfview shall pay the Allowed Class 6 Subordinated General Unsecured Claims after all Class 5 General Unsecured Claims have been paid. The holders of Class 6 Subordinated General Unsecured Claims are Golfview Realty Partnership, HMS and Anthony Miner who do not object to the closing of this case prior to their Claims being paid and/or a sufficient amount being placed in escrow to pay their Claims. *See Miner Affidavit ¶11.*

10. Accordingly, all Claims not held by insiders are: (a) satisfied or (b) subject to Recoupment and are being recouped from the funds paid to Reorganized Golfview by

the State of Illinois. All deposits required under the Plan have been escrowed. There are no remaining contested matters pending before this Court. See Miner Affidavit ¶12.

11. Furthermore, Reorganized Golfview is current in the payment of quarterly fees to the United States Trustee. See Miner Affidavit ¶13.

Relief Requested

12. The Reorganized Debtor respectfully requests that the Bankruptcy Court enter a final decree closing the chapter 11 case.

Applicable Authority

13. “After an estate is fully administered and the court has discharged the trustee, the court shall close the case.” 11 U.S.C. § 350(a). Consistent with the foregoing statute, Rule 3022 of the Federal Rules of Bankruptcy Procedure provides: “[a]fter an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” Fed. R. Bankr. P. 3022. Although the term “fully administered” is not defined, the Advisory Committee Note to Bankruptcy Rule 3022 lists the following factors for determining whether a case has been fully administered:

(1) whether the order confirming the plan has become final, (2) whether deposits required by the plan have been distributed, (3) whether the property proposed by the plan to be transferred has been transferred, (4) whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan, (5) whether payments under the plan have commenced, and (6) whether all motions, contested matters, and adversary proceedings have been finally resolved.

See also In re Jordan Mfg. Co., 138 B.R. 30, 35 (Bankr. C.D.Ill. 1992) (considering the above factors in determining whether a case has been “fully administered”). Furthermore, entry of a final decree should not be delayed because payments required

under the Plan have not been completed or because there is a possibility that the court's jurisdiction may be invoked in the future. *Jordan Mfg. Co.*, 138 B.R. at 35-36 (referring to the Advisory Committee Note to Fed. R. Bankr. P. 3022).

14. In the present case, the factors listed in the Advisory Committee Note to Rule 3022 favor closure of the case: (a) the order confirming the Plan has become final; (b) all deposits required under the Plan have been escrowed; (c) the Plan does not require any transfers of property other than the payments to be made in satisfaction of the various classes of claims, (d) Reorganized Golfview has assumed the management of the business and of the property dealt with by the Plan; (e) the payments required by the Plan have commenced; and (f), all motions, contested matters, and adversary proceedings have been finally resolved.

15. Accordingly, because Golfview's chapter 11 bankruptcy case has been fully administered, Golfview requests entry of a final decree closing the case. *See* Miner Affidavit ¶14.

Notice

16. Golfview served this motion on the Office of the United States Trustee, the 20 largest creditors, and those who have requested service in Golfview's bankruptcy case. Golfview asserts that such notice is appropriate and sufficient under the circumstances and that no further notice of the motion is necessary.

WHEREFORE, Golfview respectfully requests that the Court enter a Final Decree closing Golfview's Chapter 11 case substantially in the form attached hereto; and grant such other and further relief as may be just and fitting under the circumstances.

Dated: September 22, 2010
Chicago, Illinois

Respectfully submitted,

By: /s/ Joy L. Monahan

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